

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA  
TULSA DIVISION**

ATTORNEY GENERAL OF THE STATE	)	
OF OKLAHOMA, et al.,	)	
	)	
Plaintiffs,	)	
	)	CASE NO.: 05-cv-329-GKF(SAJ)
v.	)	
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

**AFFIDAVIT OF TAMARA McCANN THIES**

BEFORE ME, the undersigned authority, personally appeared Tamara McCann Thies who, being duly sworn, does swear and affirm as of the date hereof as follows:

1. My name is Tamara McCann Thies. I am over the age of 18 years and have personal knowledge of the matters set forth herein.
  
2. I am employed by the National Cattlemen's Beef Association ("NCBA") as its Chief Environmental Counsel. My responsibilities include assisting in providing legal guidance to NCBA's staff, management, and membership on environmental laws and regulations that affect cattle operations in accordance with the policies established by NCBA's membership.
  
3. The NCBA is the national trade association representing U.S. cattle producers with more than 28,000 individual members and sixty four state affiliate, breed, and industry organization members. Together NCBA represents more than 230,000 cattle breeders, producers, and feeders, all of whom have a stake in maintaining a strong

livestock industry which is essential to the nation's economic stability, the viability of many rural communities, and the sustainability of a healthful and high-quality food supply for the American public and around the world. NCBA and our state affiliate members are independent organizations and not employees of defendants.

4. With offices in Denver and Washington, DC, NCBA is a consumer-focused, producer-directed organization which works to advance the economic, political and social interests of the U.S. cattle business and to be an advocate for the cattle industry's policy positions and economic interests. NCBA's vision is to support a beef industry that is profitable, growing and sustainable for future generations. NCBA's mission is to mobilize all U.S. cattle and beef industry participants to prosper amid growing competition by increasing the demand for beef. The organization's four accompanying priorities to its mission include the following: creating value through beef production, creating growth through consumer markets, creating sustainability through a favorable business climate, and creating opportunity through global competitiveness.

5. Both the Oklahoma Cattlemen's Association and the Arkansas Cattlemen's Association are members of NCBA. Some members are engaged in the application of poultry litter for the purposes of fertilization of crops and forage raised on their own farms and would attest to a benefit to those crops. Similarly, some of our members operate concentrated animal feeding operations from which cattle manure is collected and beneficially recycled as fertilizer.

6. NCBA members are concerned about Plaintiffs' filing of their Motion for Preliminary Injunction and Integrated Brief in Support Thereof. The effort to file this

amicus brief is consistent with NCBA policy and strongly supported by its members because of the precedent applicable to the entire livestock industry.

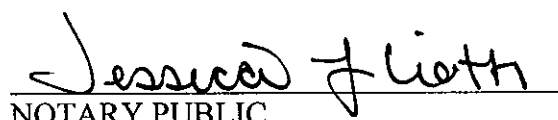
7. NCBA members believe that judicial involvement in this environmental issue would be inappropriate and contrary to their interests. Members are concerned that an injunction of the type the plaintiff seeks may serve as precedent for other courts to take similar actions with regard to the land application of cattle manure. The U.S. cattle industry currently raises close to 100 million cattle. Manure from some cattle operations is beneficially recycled as organic fertilizer and used to produce abundant crops to feed the world. Limitations on the use of manure as fertilizer would cause significant adverse economic consequences to the industry, would provide no reasonable options for its use, and would unreasonably force our members and other crop producers to purchase more expensive synthetic fertilizers that provide no recognizable environmental benefits.

8. Moreover, federal judicial involvement in this issue is unnecessary. Poultry and livestock production is highly regulated under the Clean Water Act and state laws. These laws ensure that any environmental concern stemming from the land application of poultry litter can be appropriately addressed. The Plaintiff's attempts to go around these laws should not be sanctioned by this Court.

**FURTHER AFFIANT SAYETH NOT**

  
Tamara McCann Thies

Subscribed and sworn to before me, this 12<sup>th</sup> day of February, 2008.

  
NOTARY PUBLIC

My commission expires:

Jessica Clott  
Notary Public, District of Columbia  
My Commission Expires October 31, 2011

